

### **REMARKS**

Claims 1, 2, 4, 9 through 10, 12 through 13, 19, and 21 through 23 are now pending in the application. Previously withdrawn Claims 3, 5 through 8 and 14 through 18 are herein canceled without prejudice of the subject matter contained therein. Claim 20 is herein canceled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112, first paragraph**

Claims 1, 2, 4, 9, 10, 12, 13, and 19 through 23 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed.

It is initially noted Claim 20 has been herein canceled, rendering the 35 U.S.C. § 112, first paragraph rejection of Claim 20 moot.

The Examiner stated ""The cap being "in contact with" (claims 1 and 21) and "engaged with" (claim 19) the convexly curving domed shape of the flange is considered new matter. The cap has not been disclosed as contacting or engaging the domed portion of the flange."" Applicant respectfully disagrees with the Examiner's statement that the cap has not been disclosed as contacting or engaging the domed portion of the flange.

Claim 1 has been amended herein to recite in part:

“a cap disposable about the flange having a cavity snap engaged over the flange and having an undercut surface engaged with the surface of the flange.”

Support for this amendment is found in paragraph [0008] of the specification.

Claim 19 has been amended herein to recite in part:

“a cap disposable about the flange having an undercut cavity adapted to receive the flange, and a cap undercut surface engaged with the undercut surface of the flange to removably retain the cap on the flange.”

Support for this amendment is found in paragraph [0008] of the specification.

Claim 21 has been amended herein to recite in part:

“a cap of a resilient material having a substantially cylindrical outer peripheral wall and a cavity defining an undersurface snap engaged over the flange, the cap further including a cap undercut surface engageable with the undercut surface of the flange to removably retain the cap on the flange.”

Support for this amendment is found in paragraph [0008] of the specification.

Paragraph [0008] of the specification discloses “providing a blind rivet having a tubular shank with an external flange and a peripheral undercut surface on the flange, setting the rivet so that the undercut surface of the flange faces towards a surface of the

material in which the rivet is set, providing an undercut cavity in a second component into which the flange of the rivet is set, providing an undercut cavity in a second component into which the flange of the rivet is receivable and which includes an undercut surface engageable with the undercut surface of the flange, and snap-engaging the cavity of the second component over the flange of the rivet.”

The specification therefore clearly supports a cap having both an undercut cavity and an undercut surface, the undercut surface defined as engageable with the undercut surface of the flange and the cavity defined as snap-engageable with the flange. The cavity 22 defines the undercut surface of the cap 20 which is the surface that snap-engages the domed surface 4 of the flange 3 in order to meet both limitations of paragraph [0008] of the specification. Respectfully, paragraph [0008] of the specification and Figure 6 therefore disclose the Claim 1, 19 and 21 limitations of a cap having a cavity disposable about the flange and snap-engaged with the domed surface of the rivet.

The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, first paragraph rejection of Claims 1, 19, and 21. Because Claims 2, 4, 9 through 10, and 12 through 13 depend from Claim 1, and Claims 22 through 23 depend from Claim 21, each of Claims 2, 4, 9 through 10, 12 through 13, and 22 through 23 should also be in condition for allowance. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 112, first paragraph rejection of Claims 2, 4, 9 through 10, 12 through 13, and 22 through 23.

**REJECTION UNDER 35 U.S.C. § 112, second paragraph**

Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

It is initially noted Claim 20 has been canceled, rendering the 35 U.S.C. § 112, second paragraph rejection of Claim 20 moot.

**NEW CLAIM**

Claim 24 has been added herein. Support for Claim 24 is provided in paragraph [0026] and defines over the art cited by the Examiner.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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